



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/567,160

11/10/2008

Kentaro Yano

00862.103398.

3046

5514

7590

10/01/2009

FITZPATRICK CELLA HARPER & SCINTO

1290 Avenue of the Americas

NEW YORK, NY 10104-3800

EXAMINER

PACHOL, NICHOLAS C

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,160	<b>Applicant(s)</b> YANO ET AL.	
	<b>Examiner</b> Nicholas C. Pachol	<b>Art Unit</b> 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/03/06, 05/18/07, 08/14/07, 01/17/08</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 19, 20, 36, 50, and 51 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19, 20, 50, and 51 claim "A program characterized ..." and Claim 36 claims "A program for executing ..." However, the claims do not define a program to be a functional descriptive material encoded on a memory/disk/computer-readable medium, and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"). Moreover, a "program" is neither a process ("action"), nor machine, nor manufacture, nor composition of matter (i.e., tangible "thing") and therefore non-statutory.

Such claimed "program" (software) does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. As such,

Art Unit: 2625

“program”/software, not claimed as embodied/encoded in computer-readable medium and is not statutory because the “program”/software is not capable of causing functional change in the computer. Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory and appears to be one type of claim that is considered nonstatutory, under the present USPTO Interim Guidelines, 1300 Official Gazette Patent and Trademark Office 142 (Nov. 22, 2005).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4-7, 11, 12, 19, 37-39, 41, 42, and 44-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima (US 2001/0048802).

Regarding Claim 1, Nakajima '802 teaches a recording apparatus for recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) on the basis of image data supplied from an image supply device (Page 1, paragraph 8), comprising:

reception means for receiving a layout command for arranging a plurality of images and information for designating the plurality of images to be arranged in

Art Unit: 2625

accordance with the layout command from the image supply device (Page 1, paragraph 14);

setting means for setting either a first recording mode for recording the plurality of images by overlaying or a second recording mode for recording the plurality of images without overlaying in accordance with the characteristics of the plurality of images, in a case where the layout command is received from the image supply device by said reception means (Page 2, paragraph 29 and Page 5, paragraph 75); and

control means for, in a case where said setting means sets the overlay first recording mode of the plurality of images, controlling to overlay and record the plurality of images supplied from the image supply device (Page 5, paragraph 75).

Regarding Claim 2, Nakajima '802 further teaches wherein in a case where the plurality of images to be recorded have a plurality of image formats, said setting means sets the first recording mode of a plurality of images included in the recording start command (Page 5, paragraph 78).

Regarding Claim 4, Nakajima '802 further teaches wherein the layout command includes the number of records and/or the number of images to be recorded on a single recording medium as a condition (Page 4, paragraph 62).

Regarding Claim 5, Nakajima '802 further teaches wherein said control means overlays the plurality of images supplied from the image supply device in an order in which the images are received (Page 5, paragraph 75).

Regarding Claim 6, Nakajima '802 further teaches wherein the plurality of images include at least one of an image format that designates an image which can be seen through, an image format that designates an image file stored at a specific storage location, an image format that designates an image file with a specific file name, an image format that designates an image file with specific tag information, and an image format that designates image files in a specific order (Page 4, paragraph 68).

Regarding Claim 7, Nakajima '802 teaches an image supply device for supplying image data to printer (Page 1, paragraph 8) comprising:

setting means for setting either a first print mode for printing the plurality of images by overlaying or a second print mode for printing the plurality of images without overlaying the images (Page 2, paragraph 29 and Page 5, paragraph 75);

command issuance means for issuing an image print command including information for designating images to be printed and a layout command (Page 4, paragraph 62), wherein the layout command is common to the first and second print modes and the characteristics of the images to be printed are different from each other in accordance with the first or second print mode set by said setting means (Page 1, paragraph 14, Page 2, paragraph 29, and Page 5, paragraph 75); and

means for supplying image data, which is requested from the printer in response to the image print command issued by said command issuance means, to the image output device (Page 4, paragraph 62).

Regarding Claim 11, Nakajima '802 teaches a control method (page 1, paragraph 2) for a recording apparatus for recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) on the basis of image data supplied from an image supply device (Page 1, paragraph 8), comprising:

a reception step of receiving a layout command for arranging a plurality of images and information for designating the plurality of images to be arranged in accordance with the layout command from the image supply device (Page 1, paragraph 14);

a setting step of setting either a first recording mode for recording the plurality of images by overlaying or a second recording mode for recording the plurality of images without overlaying in accordance with the characteristics of the plurality of images, in a case where the layout command is received from the image supply device in said reception step (Page 2, paragraph 29 and Page 5, paragraph 75); and

a control step of controlling, in a case where the overlay first recording mode of the plurality of images is set in said setting step, to overlay and record the plurality of images supplied from the image supply device (Page 5, paragraph 75).

Regarding Claim 12, Nakajima '802 further teaches wherein said setting step includes a step of setting, in a case where a recording start command supplied from the image supply device includes a layout command and a plurality of image formats, the first recording mode of a plurality of images included in the recording start command (Page 5, paragraph 78).

Regarding Claim 19, Nakajima '802 further teaches a program characterized by executing a control method of claim 11 (Page 1, paragraph 2).

Regarding Claim 37, Nakajima '802 teaches a recording apparatus for recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) based on image data supplied from an image supply device (Page 1, paragraph 8), comprising:

reception means for receiving a layout condition from the image supply device, wherein the layout condition specifies a layout of recording a plurality of items of image data on a recording medium, which are supplied from the image supply device (Page 1, paragraph 14); and

control means for controlling to record a plurality of items of image data supplied from the image supply device by overlapping or not overlapping in accordance with the layout condition, based on formats of the items of image data (Page 2, paragraph 29 and Page 5, paragraph 75).



Regarding Claim 38, Nakajima '802 further teaches wherein said control means controls to record an image whose format designates an image to be seen through, by overlapping with another image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 39, Nakajima '802 further teaches wherein said control means controls to record an image by overlapping with another image, in a case where a type of the image is different from a type of another image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 41, Nakajima '802 teaches a recording apparatus for recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) based on image data supplied from an image supply device (Page 1, paragraph 8), comprising:

reception means for receiving a layout command for specifying a layout of recording a plurality of images on a recording medium and designation data for designating a plurality of images to be recorded, from the image supply device (Page 1, paragraph 14); and

control means for controlling to record a specific image by overlapping with another image, in a case where images designated by the designation data include the specific image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 42, Nakajima '802 further teaches wherein the specific image is an image to be seen through (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 44, Nakajima '802 further teaches wherein the specific image has a predetermined file name or arranged in a predetermined folder (Page 2, paragraph 29).

Regarding Claim 45, Nakajima '802 further teaches further comprising set means for setting an order of overlapping images in accordance with an order of designation of images among the images designated by the designation data (Page 5, paragraph 75).

Regarding Claim 46, Nakajima '802 teaches a recording method (Page 1, paragraph 2) of recording an image on a recording medium (Figure 1, element 13) based on image data supplied from an image supply device (Page 1, paragraph 8), comprising the steps of:

receiving a layout condition from the image supply device, wherein the layout condition specifies a layout of recording a plurality of items of image data on a recording medium, which are supplied from the image supply device (Page 1, paragraph 14); and

controlling to record a plurality of items of image data supplied from the image supply device by overlapping or not overlapping in accordance with the layout condition, based on formats of the items of image data (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 47, Nakajima '802 teaches a recording method (Page 1, paragraph 2) of recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) based on image data supplied from an image supply device (Page 1, paragraph 8), comprising the steps of:

receiving a layout command for specifying a layout of recording a plurality of images on a recording medium and designation data for designating a plurality of images to be recorded, from the image supply device (Page 1, paragraph 14); and  
controlling to record a specific image by overlapping with another image, in a case where images designated by the designation data include the specific image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 48, Nakajima '802 further teaches a computer readable recording medium characterized by storing a program of implementing a recording method according to claim 46 (Page 1, paragraph 2).

Regarding Claim 49, Nakajima '802 further teaches a computer readable recording medium characterized by storing a program of implementing a recording method according to claim 47 (Page 1, paragraph 2).

Regarding Claim 50, Nakajima '802 further teaches a program characterized by implementing a recording method according to claim 46 (Page 1, paragraph 2).

Regarding Claim 51, Nakajima '802 further teaches a program characterized by implementing a recording method according to claim 47 (Page 1, paragraph 2).

Regarding Claim 52, Nakajima '802 teaches a method (Page 1, paragraph 2) for supplying image data from an image supply device to a printer (Page 1, paragraph 8), comprising:

a setting step of setting either a first print mode for printing the plurality of images by overlaying or a second print mode for printing the plurality of images without overlaying the images (Page 2, paragraph 29 and Page 5, paragraph 75);

a command issuance step of issuing an image print command including information for designating images to be printed and a layout command, wherein the layout command is common to the first and second print modes and the characteristics of the images to be printed are different from each other in accordance with the first or second print mode set by said setting means (Page 2, paragraph 29 and Page 5, paragraph 75); and

a step of supplying image data, which is requested from the printer in response to the image print command issued in said command issuance step, to the image output device (Page 4, paragraph 62).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 8-10, 13-15, 16-18, 20, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US 2001/0048802) in view of Nakajima (US 2004/0012821).

Regarding Claim 3, Nakajima '802 does not teach wherein said setting means sets the first recording mode, in a case where the plurality of images include at least one JPEG image and a predetermined number of PNG images.

Nakajima '821 does teach wherein said setting means sets the first recording mode, in a case where the plurality of images include at least one JPEG image and a predetermined number of PNG images (Page 5, paragraph 97).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 8, Nakajima '802 teaches an image supply device for supplying image data to an image output device (Figure 1, element 13 and Page 4, paragraph 62), comprising:

second acquisition means for, in a case where the format information acquired by said first acquisition means includes predetermined format information, acquiring a layout function supported by the image output device (Page 1, paragraph 14);

setting means for, in a case where the layout function acquired by said second acquisition means satisfies a predetermined condition, setting a plurality of image data and a layout function to be supplied to the image output device (Page 2, paragraph 29 and Page 5, paragraph 75);

command issuance means for issuing an image output command to the image output device on the basis of the plurality of image data and the layout function set by said setting means (Page 4, paragraph 62); and

means for supplying image data, which is requested from the image output device in response to the image output command issued by said command issuance means, to the image output device (Page 4, paragraph 62).

Nakajima'802 does not teach first acquisition means for acquiring format information of image files that can be handled by the image output device.

Nakajima '821 does teach first acquisition means for acquiring format information of image files that can be handled by the image output device (Page 5, paragraph 97).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 9, Nakajima '802 does not teach wherein the predetermined format information includes a JPEG format and a PNG format.

Nakajima '821 does teach wherein the predetermined format information includes a JPEG format and a PNG format (Page 5, paragraph 97, wherein the images can be of any type, therefore the images could be of both JPEG and PNG).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 10, Nakajima '802 further teaches wherein the predetermined condition of the layout function includes a 1-up or N-up function (Figure 3, element 1 and Page 5, paragraph 70).

Regarding Claim 13, Nakajima '802 does not teach wherein said setting means sets the first recording mode in a case where the plurality of images include at least one JPEG image, and a predetermined number of PNG images.

Nakajima '821 does teach wherein said setting means sets the first recording mode in a case where the plurality of images include at least one JPEG image, and a predetermined number of PNG images (Page 5, paragraph 97, wherein the images can be of any type, therefore the images could be of both JPEG and PNG).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 14, Nakajima '802 further teaches wherein layout command includes the number of records and/or the number of images to be recorded on a single recording medium as a condition (Page 4, paragraph 62).

Regarding Claim 15, Nakajima '802 further teaches wherein said control step includes a step of overlaying the plurality of images supplied from the image supply device in an order in which the images are received (Page 5, paragraph 75).



Regarding Claim 16, Nakajima '802 teaches a control method (Page 1, paragraph 2) for an image supply device for supplying image data to an image output device (Figure 1, element 13 and Page 4, paragraph 62), comprising:

a second acquisition step of, in a case where the format information acquired in said first acquisition step includes predetermined format information, acquiring a layout function supported by the image output device (Page 1, paragraph 14);

a setting step of setting, in a case where the layout function acquired in said second acquisition step satisfies a predetermined condition, a plurality of image data and a layout function to be supplied to the image output device (Page 2, paragraph 29 and Page 5, paragraph 75);

a command issuance step of issuing an image output command to the image output device on the basis of the plurality of image data and the layout function set in said setting step (Page 4, paragraph 62); and

a step of supplying image data, which is requested from the image output device in response to the image output command issued in said command issuance step, to the image output device (Page 4, paragraph 62).

Nakajima '802 does not teach a first acquisition step of acquiring format information of image files that can be handled by the image output device.

Nakajima '821 does teach a first acquisition step of acquiring format information of image files that can be handled by the image output device (Page 5, paragraph 97).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 17, Nakajima '802 does not teach wherein the predetermined format information includes a JPEG format and a PNG format.

Nakajima '821 does teach wherein the predetermined format information includes a JPEG format and a PNG format (Page 5, paragraph 97, wherein the images can be of any type, therefore the images could be of both JPEG and PNG).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 18, Nakajima '802 further teaches wherein the predetermined condition of the layout function includes a 1-up or N-up function (Figure 3, element 1 and Page 5, paragraph 70).

Regarding Claim 20, Nakajima '802 further teaches a program characterized by executing a control method of claim 16 (Page 1, paragraph 2).

Regarding Claim 40, Nakajima '802 does not teach wherein any one of the formats includes JPEG or other than JPEG.

Nakajima '821 does teach wherein any one of the formats includes JPEG or other than JPEG (Page 5, paragraph 97).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

Regarding Claim 43, Nakajima '802 does not teach wherein the specific image has a predetermined format of image other than JPEG.

Nakajima '821 does teach wherein the specific image has a predetermined format of image other than JPEG (Page 5, paragraph 97).

Nakajima '802 and Nakajima '821 are combinable because they both teach transferring images from a camera to a printer for printing.

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the

Art Unit: 2625

teachings of Nakajima '821 for the purpose of being able to use any compatible format (Nakajima '821: Page 5, paragraph 97).

8. Claims 21-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (US 2001/0048802) in view of Komagamine (US 2004/0252340).

Regarding Claim 21, Nakajima '802 teaches a recording apparatus for recording an image on a recording medium (Figure 1, element 13 and Page 4, paragraph 62) on the basis of image data supplied from an image supply device (Page 1, paragraph 8), comprising:

control means for controlling to execute, in a case where said second determination means cannot determine the second recording mode, a recording operation according to the first recording mode determined by said first determination means, and to execute, in a case where said second determination means can determine the second recording mode, a recording operation according to the second recording mode determined by said second determination means (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83).

Nakajima '802 does not teach reception means for receiving a recording command with a hierarchical structure, which is transmitted from the image supply device;

first determination means for determining whether an upper layer of the recording command designates a first recording mode that records a plurality of images on a single recording medium; and

second determination means for, in a case where said first determination means determines that the first recording mode is designated, determining a second recording mode designated by a lower layer of the upper layer.

Komagamine does teach reception means for receiving a recording command with a hierarchical structure, which is transmitted from the image supply device (Figure 6 and Page 5, paragraphs 82-84);

first determination means for determining whether an upper layer of the recording command designates a first recording mode that records a plurality of images on a single recording medium (Figure 6 and Page 5, paragraphs 82-84);

second determination means for, in a case where said first determination means determines that the first recording mode is designated, determining a second recording mode designated by a lower layer of the upper layer (Figure 6 and Page 5, paragraphs 82-84).

Nakajima '802 and Komagamine are combinable because they both teach receiving image data at a printer from a camera for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Komagamine for the purpose of reducing the amount of template data in reproduction of the images (Komagamine: Page 1, paragraph 5).

Regarding Claim 22, Nakajima '802 further teaches wherein the second recording mode is a mode for determining positions of a plurality of images to be recorded on the single recording medium in a recording process (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 23, Nakajima '802 further teaches wherein the second recording mode is a mode for overlaying the other image on one image of a plurality of images to be recorded on the single recording medium in a recording process (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 24, Nakajima '802 further teaches wherein in a case where the second recording mode includes a recording mode based on composition of a background image, and an image to be overlaid on the background image (Page 2, paragraph 29 and Page 5, paragraph 75), said apparatus further comprising:

specifying means for specifying the background image (Page 2, paragraph 29 and Page 5, paragraph 75, wherein it can be determined as to which image is overlaid on another image).

Nakajima '802 does not teach variable magnification means for applying a variable magnification process of the background image specified by said specifying means in correspondence with the size of the recording medium.

Komagamine does teach variable magnification means for applying a variable magnification process of the background image specified by said specifying means in correspondence with the size of the recording medium (Page 5, paragraphs 83).

Nakajima '802 and Komagamine are combinable because they both teach receiving image data at a printer from a camera for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Komagamine for the purpose of reducing the amount of template data in reproduction of the images (Komagamine: Page 1, paragraph 5).

Regarding Claim 25, Nakajima '802 further teaches wherein said specifying means identifies based on a storage location of an image file in the image supply device whether the image file is designated as the background image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 26, Nakajima '802 further teaches wherein said specifying means specifies based on a file name of an image file in the image supply device that an image of the image file is the background image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 27, Nakajima '802 further teaches wherein said specifying means specifies based on a file type of an image file in the image supply device that an

Art Unit: 2625

image of the image file is the background image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 28, Nakajima '802 further teaches wherein said specifying means specifies based on tag information of an image file in the image supply device that an image of the image file is the background image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 29, Nakajima '802 further teaches wherein said specifying means specifies based on a transfer order of image files transferred from the image supply device that an image of the image file is the background image (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 30, Nakajima '802 teaches a recording system including an image supply device and a recording apparatus (Figure 1, element 13 and Page 4, paragraph 62), and recording an image on a recording medium by the recording apparatus on the basis of image data supplied from the image supply device (Page 1, paragraph 8), wherein

the recording apparatus comprising:

control means for controlling to execute, in a case where said second determination means cannot determine the second recording mode, a recording operation according to the first recording mode determined by said first determination



Art Unit: 2625

means, and to execute, in a case where said second determination means can determine the second recording mode, a recording operation according to the second recording mode determined by said second determination means (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83).

Nakajima '802 does not teach the image supply device transmits a recording command with a hierarchical structure to the recording apparatus, and

the recording apparatus comprising:

reception means for receiving a recording command with a hierarchical structure, which was transmitted from the image supply device;

first determination means for determining whether an upper layer of the recording command designates a first recording mode that records a plurality of images on a single recording medium; and

second determination means for, in a case where said first determination means determines that the first recording mode is designated, determining a second recording mode designated by a lower layer of the upper layer.

Komagamine does teach the image supply device transmits a recording command with a hierarchical structure to the recording apparatus (Figure 6 and Page 5, paragraphs 82-84), and

the recording apparatus comprising:

reception means for receiving a recording command with a hierarchical structure, which was transmitted from the image supply device (Figure 6 and Page 5, paragraphs 82-84);

first determination means for determining whether an upper layer of the recording command designates a first recording mode that records a plurality of images on a single recording medium (Figure 6 and Page 5, paragraphs 82-84); and

second determination means for, in a case where said first determination means determines that the first recording mode is designated, determining a second recording mode designated by a lower layer of the upper layer (Figure 6 and Page 5, paragraphs 82-84).

Nakajima '802 and Komagamine are combinable because they both teach receiving image data at a printer from a camera for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Komagamine for the purpose of reducing the amount of template data in reproduction of the images (Komagamine: Page 1, paragraph 5).

Regarding Claim 31, Nakajima '802 further teaches wherein the second recording mode is a mode for determining positions of the plurality of images to be recorded on the single recording medium in a recording process Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 32, Nakajima '802 further teaches wherein the second recording mode is a mode for overlaying the other image on one image of the plurality

Art Unit: 2625

of images to be recorded on the single recording medium in a recording process (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 33, Nakajima '802 teaches a control method (page 1, paragraph 2) in a recording system for recording an image on a recording medium by the recording apparatus (Figure 1, element 13 and Page 4, paragraph 62) on the basis of image data supplied from an image supply device (Page 1, paragraph 8), comprising:

a step of executing, in a case where the second recording mode cannot be determined in said second determination step, a recording operation according to the first recording mode determined in said first determination step (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83); and

a step of executing; in a case where the second recording mode can be determined in said second determination step, a recording operation according to the second recording mode determined in said second determination step (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83).

Nakajima '802 does not teach a transmission step of transmitting a recording command with a hierarchical structure from the image supply device to the recording apparatus;

a first determination step of determining whether an upper layer of the recording command transmitted in the transmission step designates a first recording mode that records a plurality of images on a single recording medium; and

a second determination step of determining, in a case where it is determined in said first determination step that the first recording mode is designated, a second recording mode designated by a lower layer of the upper layer.

Komagamine does teach a transmission step of transmitting a recording command with a hierarchical structure from the image supply device to the recording apparatus (Figure 6 and Page 5, paragraphs 82-84);

a first determination step of determining whether an upper layer of the recording command transmitted in the transmission step designates a first recording mode that records a plurality of images on a single recording medium (Figure 6 and Page 5, paragraphs 82-84); and

a second determination step of determining, in a case where it is determined in said first determination step that the first recording mode is designated, a second recording mode designated by a lower layer of the upper layer (Figure 6 and Page 5, paragraphs 82-84).

Nakajima '802 and Komagamine are combinable because they both teach receiving image data at a printer from a camera for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Komagamine for the purpose of reducing the amount of template data in reproduction of the images (Komagamine: Page 1, paragraph 5).

Regarding Claim 34, Nakajima '802 further teaches wherein the second recording mode is a mode for determining positions of the plurality of images to be recorded on the single recording medium in a recording process (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 35, Nakajima '802 further teaches wherein the second recording mode is a mode for overlaying an image on one image of the plurality of images to be recorded on the single recording medium in a recording process (Page 2, paragraph 29 and Page 5, paragraph 75).

Regarding Claim 36, Nakajima '802 teaches a program for executing a control method (Page 1, paragraph 2) in a recording system for recording an image on a recording medium by the recording apparatus (Figure 1, element 13 and Page 4, paragraph 62) on the basis of image data supplied from an image supply device (Page 1, paragraph 8), comprising:

a step module of executing, in a case where the second recording mode cannot be determined in said second determination step, a recording operation according to the first recording mode determined in said first determination step (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83); and

a step module of executing, in a case where the second recording mode can be determined in said second determination step, a recording operation according to the

Art Unit: 2625

second recording mode determined in said second determination step (Page 2, paragraph 29, Page 5, paragraph 75 and Page 6, paragraph 83).

Nakajima '802 does not teach a transmission step module of transmitting a recording command with a hierarchical structure from the image supply device to a recording apparatus;

a first determination step module of determining whether an upper layer of the recording command transmitted in said transmission step designates a first recording mode that records a plurality of images on a single recording medium;

a second determination step module of determining, in a case where it is determined in said first determination step that the first recording mode is designated, a second recording mode designated by a lower layer of the upper layer.

Komagamine does teach a transmission step module of transmitting a recording command with a hierarchical structure from the image supply device to a recording apparatus (Figure 6 and Page 5, paragraphs 82-84);

a first determination step module of determining whether an upper layer of the recording command transmitted in said transmission step designates a first recording mode that records a plurality of images on a single recording medium (Figure 6 and Page 5, paragraphs 82-84);

a second determination step module of determining, in a case where it is determined in said first determination step that the first recording mode is designated, a second recording mode designated by a lower layer of the upper layer (Figure 6 and Page 5, paragraphs 82-84).

Nakajima '802 and Komagamine are combinable because they both teach receiving image data at a printer from a camera for printing.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Nakajima '802 with the teachings of Komagamine for the purpose of reducing the amount of template data in reproduction of the images (Komagamine: Page 1, paragraph 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas C. Pachol whose telephone number is 571-270-3433. The examiner can normally be reached on M-Thr, 8:00 a.m.- 4:00 p.m. (EST), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. C. P./  
Examiner, Art Unit 2625

09/29/09

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625